

Fresno, California

November 27, 2007

The City Council met in regular session at the hour of 8:30 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Brian Calhoun	Councilmember
	Mike Dages	Councilmember
	Jerry Duncan	Councilmember
	Cynthia Sterling	Councilmember
	Larry Westerlund	Councilmember
	Blong Xiong	Acting Council
	Henry Perea	Council President

Andy Souza, City Manager
Jim Sanchez, City Attorney
Becky Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

Councilmember Dages gave the invocation and President Perea led the Pledge of Allegiance.

PROCLAMATION OF "CANDLELIGHT CHRISTMAS ON HUNTINGTON BOULEVARD" - COUNCILMEMBER DAGES

COMMENDATION TO FRESNO HIGH SCHOOL VARSITY FOOTBALL TEAM ON A GREAT JOB THIS YEAR - ACTING PRESIDENT XIONG

PRESENTATION OF RECYCLING AWARDS - MAYOR AND CITY MANAGER OFFICES

The above proclamation, commendation and awards were read/made/presented.

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APPROVE MINUTES OF NOVEMBER 6, 2007

On motion of Councilmember Westerlund, seconded by Councilmember Dages, duly carried, RESOLVED, the minutes of November 6, 2007, approved as submitted.

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COUNCIL MEMBER REPORTS AND COMMENTS:

COUNCILMEMBER CALHOUN: (1) Request for status/time line on Councilmember Dages' year old request to bring back proposal for organizations/business to adopt median islands, with City Manager Souza stating he would check with public works staff and respond this week; (2) request staff look into and address trees covering street signs; and (3) concern with inaction on the Blosser property and request staff tell the developer to resolve property issues or build something on the site.

COUNCILMEMBER DUNCAN: (1) Congratulations to Clovis West football team for reaching the Valley Championship; and (2) request for information relative to projection of the general fund over the next several years, with Mr. Souza stating information would be submitted tomorrow.

ACTING PRESIDENT XIONG: Pursuant to AB 1234 report on trip to Sacramento to participate in the Hmong New Year.

COUNCILMEMBER WESTERLUND: (1) Continuing theft of copper wire, particularly across the Dakota/168 overpass, and request staff look into Caltrans' option to install lock screws, with Mr. Souza responding; and (2) request staff look into what is happening with the fenced building across from "Sam's" (the old "Sambo's") at Inyo and Van Ness Avenues.

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APPROVE AGENDA:

(10:30 A.M.) RESOLUTION - 463RD AMENDMENT TO THE MFS REGARDING THE MAJOR STREET IMPACT FEE APPEALS BOARD PROPOSED FEES (Continue to December 4, 2007, at 10:30 a.m.)

Continued as noted.

(2-A #3) AUTHORIZE THE P&D DIRECTOR TO REDUCE A PRIOR PROFESSIONAL SERVICES AGREEMENT WITH CALTHORPE ASSOCIATES THAT HAD INCLUDED \$147,280 IN FEHR AND PEERS TRANSPORTATION PLANNING SERVICES, AND ENTER INTO A SEPARATE AGREEMENT RELATED TO DEVELOPING THE CITY'S SOUTHEAST GROWTH AREA (SEGA) COMMUNITY/SPECIFIC PLAN

Removed from the agenda by staff.

(2-F) APPROVE A CONTRACT WITH DIAMOND TECHNOLOGIES, INC., FOR MICROSOFT TRAINING FOR AN AMOUNT NOT TO EXCEED \$269,050

Laid over to December 4, 2007.

(2:00 P.M.) BILL - ADDING SECTION TO THE FRESNO MUNICIPAL CODE RELATING TO IMPLEMENTATION OF THE DIGITAL INFRASTRUCTURE AND VIDEO COMPETITION ACT OF 2006 FOR STATE FRANCHISE HOLDERS PROVIDING VIDEO SERVICE THROUGH THE CITY OF FRESNO

Laid over to December 4, 2007.

(2:45 P.M.) HEARING ON REZONE APPLICATION NO. R-06-55 AND ENVIRONMENTAL FINDINGS FILED BY SOL DEVELOPMENT ASSOCIATES, LLC, ON BEHALF OF HORIZON ENTERPRISES, INC., SOUTH SIDE OF W. BARSTOW BETWEEN N. GRANTLAND AVENUE AND VETERAN'S BOULEVARD

1. CONSIDER AND ADOPT E.A. NO. R-06-55, DETERMINATION OF INITIAL STUDY TO FILE A FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR
2. BILL - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AE-5/UGM TO R-2/UGM

Councilmember Calhoun advised there were some outstanding issues/concerns and made a motion to continue the hearing.

On motion of Councilmember Calhoun, seconded by Councilmember Westerlund, duly carried, RESOLVED, the above entitled **2:45 p.m. Hearing** continued to December 11, 2007, at 11:00 a.m., by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes	:	None
Absent	:	None

On motion of Councilmember Westerlund, seconded by Councilmember Dages, duly carried, RESOLVED, the **AGENDA** hereby approved, as amended, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes	:	None
Absent	:	None

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1. ADOPT CONSENT CALENDAR:

Margie Haymon, HEAT of Southwest Fresno, spoke to spoke to **Items "C" and "D"** and her opposition to using any federal funds for southwest Fresno merger, Airport, and Chandler projects, questioned where the federal money was that was allocated to southwest Fresno, and questioned why Councilmember Sterling was still representing southwest Fresno as she was previously asked to recuse herself and submitted her address card to the City Attorney.

Brunette Harris, HEAT of Southwest Fresno, spoke to her opposition to using any consolidated block grant funds for the FYI and Chandler airports, and entered into the record a copy of the April 25, 2006, Council minutes referencing Page 147-145 wherein the City Attorney asked Councilmember Sterling to recuse herself from the Running Horse and Hope VI projects.

Bobbie Parks, HEAT of Southwest Fresno, also stated her opposition to the use of consolidated block grant funds for projects.

Relative to **Item 1-N**, Councilmember Calhoun thanked public works staff for their efforts in going after grant funds for the project, and pulled **Item 1-V** from the Consent Calendar for separate discussion/action.

Councilmember Dages pulled **Item 1-I** for separate discussion/action.

Relative to comments made with regards to potential conflicts that had been raised in the past with Councilmember Sterling, City Attorney Sanchez advised Councilmember Sterling had conflicted out on Hope VI proceedings as advised due to property that she had financial interest in at that time but clarified it was his understanding that since then the property had been sold therefore there was no longer a financial interest that would prevent her from being involved in either the Hope VI or Running Horse projects.

Councilmember Westerlund registered a "NO" vote on Item **1-H** due to the uncertainties of the local, state and national economics and the reimbursement resolution itself.

(1-A) REJECT ALL PROPOSALS FOR TEMPORARY EMPLOYMENT SERVICES AND APPROVE INTERIM EXTENSION OF CONTRACTS WITH VALLEY STAFFING AND ACT-1 PERSONNEL SERVICES FOR A PERIOD OF 120 DAYS TO CONTINUE TO PROVIDE TEMPORARY EMPLOYMENT SERVICES

(1-B) AUTHORIZE THE DIRECTOR OF AVIATION TO EXECUTE AN AGREEMENT WITH COFFMAN ASSOCIATES, INC., IN THE AMOUNT OF \$64,972, TO PROVIDE PROFESSIONAL CONSULTING SERVICES FOR PRELIMINARY ENVIRONMENTAL WORK AND PREPARATION OF AN ALP NARRATIVE RELATED TO FUTURE IMPROVEMENT PROJECTS INCLUDING AN EXTENSION OF THE CHANDLER AIRPORT RUNWAY

(1-C) AUTHORIZE THE DIRECTOR OF AVIATION TO EXECUTE AN AGREEMENT WITH DALE RUTHERFORD, AIA, IN THE AMOUNT OF \$173,934 TO PROVIDE PROFESSIONAL CONSULTING SERVICES FOR THE DESIGN OF THE NEXT PHASE OF ACOUSTIC TREATMENT OF 56 HOMES UNDER THE FYI AIRPORT SOUND MITIGATION ACOUSTICAL REMEDY TREATMENT (SMART) PROGRAM

(1-D) RESOLUTION NO. 2007-379 - AUTHORIZE THE DIRECTOR OF AVIATION OR DESIGNEE TO EXECUTE ALL RELATED DOCUMENTATION FOR PRE-APPLICATION AND APPLICATION TO THE FAA FOR AIP GRANTS FOR FEDERAL FISCAL YEARS 2008 AND 2009 FOR THE FYI AND CHANDLER EXECUTIVE AIRPORTS AS SHOWN IN THE CITY'S 2008 CAPITAL IMPROVEMENT PLAN

1. ACCEPT FAA AIP GRANTS FOR FY 2008 AND 2009 AT BOTH AIRPORTS INCLUDING ALL SUBSEQUENT AMENDMENTS THERETO OFFERED BY THE FAA

2. APPROVE APPLICATION FOR, AND ACCEPTANCE OF, GRANTS AND ALL SUBSEQUENT AMENDMENTS THERETO OFFERED BY THE CA DEPARTMENT OF TRANSPORTATION AERONAUTICS DIVISION FOR MATCHING FUNDS ON FY 2008 AND 2009 FAA-APPROVED PROJECTS AT THE CHANDLER AIRPORT

(1-E) APPROVING THE 2008-2013 HOUSING ELEMENT ADVISORY COMMITTEE

(1-F) RESOLUTION NO. 2007-380 - APPROVING THE FINAL MAP OF TRACT NO. 5503 AND ACCEPTING DEDICATED PUBLIC USES THEREIN, NORTHEAST CORNER OF E. CHURCH AND S. CLOVIS AVENUE

1. AUTHORIZE THE PUBLIC WORKS AND PLANNING & DEVELOPMENT DIRECTORS TO EXECUTE THE NECESSARY DOCUMENTS

(1-G) ACCEPT GRANT AWARD OF \$1,028,800 FROM THE U.S. DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE FOR THE BYRNE MEMORIAL TARGETING VIOLENT CRIME 2007 GRANT PROJECT, FRESNO-MADERA REGIONAL CRIMELINK, AND APPROVE RELATED AGREEMENT WITH THE COUNTY OF FRESNO, CITY OF MADERA AND CITY OF CLOVIS-POLICE DEPARTMENT

1. AUTHORIZE THE CHIEF OF POLICE TO ENTER INTO AND EXECUTE THE AGREEMENT AND REQUIRED PROGRAM DOCUMENTS

2. RESOLUTION NO 2007-381 - 28TH AMENDMENT TO THE AAR APPROPRIATING THE FUNDS INTO THE FY 2008 BUDGET TO SUPPORT THE FRESNO-MADERA REGIONAL CRIMELINK PROJECT

(1-J) APPROVE AN AGREEMENT WITH SIM ARCHITECTS IN THE AMOUNT OF \$116,322 FOR THE DESIGN THE STATION RENOVATIONS AND ADDITIONS FOR EXISTING FIRE STATIONS NO. 2, 10 AND 14, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR OR DESIGNEE TO SIGN THE AGREEMENT ON BEHALF OF THE CITY

(1-K) APPROVE ACQUISITION OF A STREET EASEMENT FROM PROPERTY OWNED BY DAVID J. AND CATHERINE ANN SCOFFONE, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR OR DESIGNEE TO ACCEPT THE DEED OF EASEMENT AND EXECUTE THE AGREEMENT FOR PURCHASE AND SALE OF REAL PROPERTY AND COMPLETE THE ACQUISITION THROUGH ESCROW

(1-L) APPROVE AGREEMENTS WITH CALTRANS FOR GRANT-FUNDED RAILROAD CROSSING IMPROVEMENTS AND STREET MODIFICATIONS AT THE CROSSINGS OF THE BURLINGTON NORTHERN SANTA FE (BNSF) RAILROAD AT WEST, PALM AND OLIVE AVENUES, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR, OR CITY ENGINEER, TO EXECUTE THE AGREEMENTS ON BEHALF OF THE CITY

1. RESOLUTION NO. 2007-383 - 45TH AMENDMENT TO THE AAR APPROPRIATING \$755,500 FOR RAILROAD CROSSING SAFETY IMPROVEMENTS AT THE THREE BNSF RAILROAD CROSSINGS

(1-M) RESOLUTION NO. 2007-384 - AUTHORIZE STAFF TO SUBMIT APPLICATIONS FOR, AND ACCEPTANCE OF, GRANT FUNDS TO THE CALTRANS BICYCLE TRANSPORTATION ACCOUNT PROGRAM, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR OR DESIGNEE TO EXECUTE THE DOCUMENTS

(1-N) RESOLUTION NO. 2007-385 - AUTHORIZE STAFF TO SUBMIT APPLICATIONS FOR, AND ACCEPTANCE OF, THE RESOURCES AGENCY ENVIRONMENTAL ENHANCEMENT AND MITIGATION PROGRAM GRANT FUNDS UNDER THE STREET AND HIGHWAYS CODE FOR THE HERNDON TRAIL PARKWAY LANDSCAPING AND URBAN FORESTRY PROJECT, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR OR DESIGNEE TO EXECUTE THE DOCUMENTS

(1-O) AUTHORIZE STAFF TO REQUEST AN EXTENSION OF UNSPENT ENCUMBERED BUDGET FROM CALTRANS FOR THE BRAWLEY AVENUE WIDENING PROJECT BETWEEN PALO ALTO AND HERNDON AVENUES, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR OR DESIGNEE TO SIGN THE REQUEST ON BEHALF OF CITY

(1-P) AUTHORIZE THE PUBLIC WORKS DIRECTOR OR DESIGNEE TO SIGN ADDENDUM NO. 1 TO AN EXISTING CONDUIT AND FIBER MAINTENANCE AGREEMENT WITH THE CLOVIS UNIFIED SCHOOL DISTRICT

(1-Q) (REMOVED FROM THE AGENDA)

(1-R) APPROVE FIRST AMENDMENT TO THE AGREEMENT WITH BLAIR CHURCH & FLYNN IN THE AMOUNT OF \$297,980 FOR PROFESSIONAL ENGINEERING SERVICES RELATED TO INSPECTION/EVALUATION/DESIGN OF WASTEWATER COLLECTION FACILITIES WITHIN THE CITY, AND AUTHORIZE THE CITY MANAGER OR DESIGNEE TO EXECUTE SAME ON BEHALF OF THE CITY

1. RESOLUTION NO. 2007-386 - 36TH AMENDMENT TO THE AAR APPROPRIATING THE FUNDS

(1-S) REJECT PROPOSAL FOR THE PARKS & RECREATION WEB-BASED SOFTWARE CONVERSION PROJECT

(1-T) APPROVE APPOINTMENT OF ELLIOTT BALCH AS THE CITY COUNCIL APPOINTEE TO THE MAJOR STREET FEES APPEAL BOARD - PRESIDENT PEREA

(1-U) DOCUMENTS RELATING TO THE FRESNO MUNICIPAL CODE (FMC) BUILDING REGULATIONS

1. CONSIDER AND ADOPT THE E.A. ADOPTING THE CATEGORICAL EXEMPTION FOR THE PROPOSED ORDINANCE

2. BILL NO. B-88 - REPEALING AND ADDING ARTICLES TO CHAPTER 11 OF THE FMC RELATED TO ADOPTION OF THE CALIFORNIA BUILDING, PLUMBING, MECHANICAL, ELECTRIC AND ENERGY CODES WITH MODIFICATIONS, AND RENUMBERING THE FLOOD PLAIN ORDINANCE

3. RESOLUTION NO. 2007-387 - ADOPTING EXPRESS FINDINGS TO MODIFY THE CALIFORNIA BUILDING, PLUMBING, MECHANICAL, ELECTRIC AND ENERGY CODES BASED ON LOCAL CLIMATIC AND TOPOGRAPHICAL CONDITIONS

(1-W) RESOLUTION NO. 2007-388 - APPROVE APPLICATION FOR, AND ACCEPTANCE OF, GRANT AWARD OF \$250,500 FROM FY 2007 CYCLE U.S. DEPARTMENT OF HOMELAND SECURITY/OFFICE OF DOMESTIC PREPAREDNESS "METROPOLITAN MEDICAL RESPONSE SYSTEM" GRANT PROGRAM FUNDING, THROUGH THE COUNTY OF FRESNO, AND AUTHORIZE THE FIRE CHIEF TO COMPLETE ALL REQUIRED DOCUMENTS

1. RESOLUTION NO. 2007-389 - 49TH AMENDMENT TO THE AAR APPROPRIATING THE FUNDS TO THE FIRE DEPARTMENT TO PROVIDE TRAINING, EQUIPMENT, MEDICAL SUPPLIES AND CONTINUING PROGRAM OVERSIGHT

(1-X) RESOLUTION NO. 2007-390 - APPROVE APPLICATION FOR, AND ACCEPTANCE OF, GRANT AWARD OF \$180,800 FROM THE STATE OFFICE OF EMERGENCY SERVICES (OES), THROUGH THE COUNTY OF FRESNO, AND AUTHORIZE THE FIRE CHIEF TO COMPLETE ALL REQUIRED DOCUMENTS

1. RESOLUTION NO. 2007-391 - 50TH AMENDMENT TO THE AAR APPROPRIATING THE HOMELAND SECURITY GRANT FUNDS TO THE FIRE DEPARTMENT TO PROVIDE HAZARDOUS MATERIALS AND URBAN SEARCH AND RESCUE TECHNICIAN TRAINING

(1-Y) BILL NO. B-83 - ORDINANCE NO. 2007-84 - APPROVING A DEVELOPMENT AGREEMENT, INCLUDING INCENTIVES, WITH BETTS SPRING COMPANY FOR COMMERCIAL, INDUSTRIAL AND BUSINESS DEVELOPMENT IN THE SOUTHEAST FRESNO REVITALIZATION REDEVELOPMENT AREA, AUTHORIZE EXECUTION OF DOCUMENTS, AND ADOPT RELATED ENVIRONMENTAL FINDINGS

On motion of Councilmember Duncan, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes	:	None
Absent	:	None

(1-H) DECLARING OFFICIAL INTENT TO REIMBURSE CERTAIN EXPENDITURES FROM PROCEEDS OF INDEBTEDNESS FOR EXPENSES INCURRED RELATED TO POLICE DEPARTMENT CAPITAL PROJECTS, IN AN AMOUNT NOT TO EXCEED \$39 MILLION

1. RESOLUTION NO. 2007-382 - 51ST AMENDMENT TO THE AAR APPROPRIATING \$12 MILLION FOR CONSTRUCTION OF THE POLICE DEPARTMENT REGIONAL PUBLIC SAFETY TRAINING FACILITY

Councilmember Westerlund earlier registered his "NO" vote due to the uncertainties of the local, state and national economics and the reimbursement resolution itself.

On motion of Councilmember Duncan, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled **Item 1-H/Resolution No. 2007-382** hereby adopted, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Sterling, Xiong, Perea
Noes	:	Westerlund
Absent	:	None

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CONTESTED CONSENT (TIME SENSITIVE ITEMS):

(1-I) AUTHORIZE THE PLANNING & DEVELOPMENT DIRECTOR TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH MATRIX CONSULTING GROUP IN THE AMOUNT OF \$60,000 FOR PREPARATION OF THE P&D DEPARTMENT AND RELATED DEPARTMENTS "INTERDEPARTMENTAL FEE STUDY TO SUPPORT DEVELOPMENT" AND OTHER RELATED SERVICES

Planning & Development Director Yovino responded briefly to comments/questions of Councilmember Dages relative to the high cost for a liquor CUP and if the appropriateness of that fee would be part of the study.

On motion of Councilmember Dages, seconded by Councilmember Westerlund, duly carried, RESOLVED, the Planning & Development Director authorized to enter into the above entitled Professional Services Agreement with Matrix Consulting Group , by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes : None
Absent : None

(1-V) APPROVE A GOLF FACILITY USE AGREEMENT BETWEEN FIRST TEE OF FRESNO, THE CITY OF FRESNO, AND EBIT INC./COURSECO, INC., TO ALLOW OPERATION OF THE FIRST TEE PROGRAM TO BE HELD AT THE RIVERSIDE GOLF COURSE

P&R Director Cooper responded to questions/comments/concerns of Councilmember Calhoun relative to The First Tee Program, age of participants, how the subsidized program will be paid for, if Courseco was supportive, if regular golfers will be impacted/affected by the students, if any difficulty was anticipated in reaching the minimum number of participants, if any of the participants will have to pay, if this will conflict with the existing youth fee **(2 - 0)**, and the amount being spent on improvements at Riverside, concern with what Courseco is doing out there, and intent to speak further with staff on this issue. A motion and second was made to approve staff's recommendation. Councilmembers Duncan and Westerlund spoke in support of the program and commended staff and all involved.

On motion of Councilmember Calhoun, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled Golf Facility Use Agreement with EBIT Inc./Courseco, Inc., hereby approved, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes : None
Absent : None

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(9:00 A.M.) PUBLIC COMMENT PERIOD - UNSCHEDULED ORAL COMMUNICATION:

Sherry Smith, 4724 W. Swift, spoke to her efforts to save Fire Station 16 near Ashlan/Cornelia and to the impact with the loss of the station and need for emergency medical services for the area.

Paula Savino spoke to the homeless and shelters for the homeless.

Brunette Harris, HEAT of Southwest Fresno, spoke to the City Attorney's earlier clarification on Councilmember Sterling and questioned where Councilmember Sterling resided if she sold her property.

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(9:15 A.M.) CITY COUNCIL:

(‘A’) CONSIDER APPROVAL FOR COUNCIL OVERRIDE VOTE OF RESOLUTION NO. 2007-349 VETOED BY MAYOR AUTRY ON 11/5/07 - COUNCILMEMBER DAGES (*Override failed*)

1. RESOLUTION NO. 2007-349 - ADOPTING A COUNCIL POLICY AGAINST A DOWNTOWN STREETCAR CONCEPT AND DIRECTION TO CITY MANAGER TO CEASE ALL USE OF CITY RESOURCES TO FURTHER THE DOWNTOWN STREETCAR CONCEPT (*Veto stands*)

Councilmember Dages stated this would be a \$60 million 2-mile street car project, trolleys were tried twice and failed both times, he would probably support a light rail project moving thousands of people a day, and this was a waste of Measure “C” funds, and made a motion to override the Mayoral veto, which motion was seconded by Councilmember Duncan.

ACM Ruiz clarified this was a different concept than what was tried before, it was an economic development catalyst and not primarily transportation, and referencing the city of Portland's project added this type of downtown facility moved a lot of traffic and supported housing, business and economic development.

Councilmember Sterling noted this was a COG process with Measure “C” funds and would not affect the city’s general fund and urged a “no” vote. Councilmember Duncan stated Measure “C” money belonged to the taxpayers, \$60 million for a Disneyland ride to nowhere was a gross waste of those taxpayers dollars, and time and effort on good downtown planning was needed and not this novelty-type item with no analysis. Upon questions of Acting President Xiong Mr. Ruiz clarified at issue was the cost for a study to determine the viability of a streetcar system, no decision was being made on a \$60 million project, the intent of the study is to provide a cost analysis so Council can make a policy decision in the future, and no defined route had been determined. Acting President Xiong stated he would not support the override as this would bind the administration’s hands to do their work and due-diligence. President Perea stated what was being voted on needed to be kept in context which was a feasibility study to see if a streetcar concept made sense as part of the city’s, and downtown’s, overall economic development strategy and urged a “no” vote.

A motion of Councilmember Dages, seconded by Councilmember Duncan, to override the Mayoral veto failed, due to the need for five affirmative votes, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Westerlund
Noes	:	Sterling, Xiong, Perea
Absent	:	None

(‘B’) CONSIDER APPROVAL FOR A COUNCIL OVERRIDE VOTE OF RESOLUTION NO. 2007-372 VETOED BY MAYOR AUTRY ON 11/19/07 - COUNCILMEMBER WESTERLUND

1. RESOLUTION NO. 2007-372 - ADOPTING A POLICY AGAINST THE DEVELOPMENT OF A RIVERWALK OR DOWNTOWN RIVER AND DIRECTING THE CITY MANGER TO CEASE ALL USE OF CITY RESOURCES TO FURTHER THE DEVELOPMENT OF A RIVERWALK OR DOWNTOWN RIVER

Councilmember Westerlund noted this was discussed at length previously and clarified this would preclude any further use of resources on a river or riverwalk, stated the city’s limited resources needed to be focused on downtown housing, and added these types of amenities should be development-driven and made a motion to override the veto.

Speaking in opposition to using consolidated block grant funds and/or to other priority needs were: Brunette Harris, who also gave her address card to the City Attorney for a response; Bobbie Parks, HEAT of Southwest Fresno; Diane Bennett Smith; and Margie Haymon, HEAT of Southeast Fresno.

City Manager Souza stated the river plan had been a much vetted plan with a long history, had support through the 2010 plan, and was the bold idea that was needed for downtown, and added he hoped some members would reconsider their position.

On motion of Councilmember Westerlund, seconded by Councilmember Duncan, duly carried, RESOLVED, the Mayoral veto hereby overridden and Resolution No. 2007-372 stands as adopted, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Westerlund, Xiong, Perea
Noes	:	Sterling
Absent	:	None

(‘C’) CONSIDER APPROVAL FOR A COUNCIL OVERRIDE VOTE OF RESOLUTION NO. 2007-378 VETOED BY MAYOR AUTRY ON 11/19/07 - COUNCILMEMBER DUNCAN

1. RESOLUTION NO. 2007-378 - ESTABLISHING METHICILLIN-RESISTANT STAPHYLOCOCCUS AUREAU (MRSA) AS A PRESUMPTIVE WORKERS’ COMPENSATION ILLNESS FOR ACTIVE EMPLOYEES IN THE FIRE AND POLICE RETIREMENT SYSTEM

Councilmember Duncan stated this was a very serious and deadly infection, there was clear evidence that some firefighters who contracted the disease were exposed at the fire stations, the bottom line was public safety personnel interact with the public on a daily basis and it was important that any hint of contracting this be dealt with immediately and with the support of the city, and made a motion to override the veto, which motion was seconded by Councilmember Dages. Councilmember Sterling spoke in support of the override stating no matter where people worked this was a disease that people were dying from and was now a national epidemic.

Councilmember Calhoun stated there was no disagreement that this was a serious illness and stressed at issue was whether MRSA was job-related; noted two departments were being singled out here which meant other employees in the other departments were different and would have to go through the regular process; pointed out twice he has asked that the County Health Officer come before Council to discuss this matter with no success and added somehow Council members were experts and determined only two departments need this protection; and expressed concern that this was being approached from a narrow standpoint and stated he was disappointed it was not being looked at in a broader sense. City Manager Souza concurred with Councilmember Calhoun's concerns, stated he was disappointed that anyone would attempt to portray this as the Mayor being insensitive to anyone with MRSA, clarified at issue was does MRSA become presumptive and added if there it clear evidence it would obviously be covered under workers compensation laws, stated this kind of action was the type that undercuts workers comp laws and added to immediately make this presumptive regardless of any evidence presented to the case was what he and the Mayor were opposed to, and spoke briefly to his son's contracting MRSA and this being a workers comp issue and not a MRSA issue.

Upon the request of Acting President Xiong, FPOA President Jacky Parks and Fresno Firefighters Association Vice President Gary Smith spoke to the issue and to their support for overriding the veto.

Transportation Director Hamm stated his 300+ employees also have daily public contact and explained, and added he was disappointed this was not being looked at in a broader scale.

Acting President Xiong stated the jobs of fire and police were unique and there was a clear need to support the override and also expand to other employees. **(3 - 0)** Councilmember Westerlund spoke to visits to fire stations that were being sprayed due to spider bites from unknown spiders and stated it was clear to him that there has been a trend and an elevated level of this, and spoke to the need to take care of our public safety personnel who don't have time to stop and take protective measures when dealing with the public.

Upon questions of Councilmember Dages, (1) City Attorney Sanchez stated Council could, as a legislative policy, expand this program city-wide with appropriate findings, and (2) Councilmember Duncan stated he would leave his motion as is, whereupon Councilmember Dages stated fire and police were special and did things others did not want to do and directed staff to return with a policy for Council consideration establishing MRSA as a presumptive workers' compensation illness for all active city employees.

On motion of Councilmember Duncan, seconded by Councilmember Dages, duly carried, RESOLVED, the Mayoral veto hereby overridden and Resolution No. 2007-378 stands as adopted, by the following vote:

Ayes	:	Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes	:	Calhoun
Absent	:	None

(10:10 A.M.) HEARING ON CFD NO. 11, ANNEXATION NO. 20, TRACT NO. 5527

- 1. RESOLUTION NO. 2007-392 - ANNEXING TERRITORY AND AUTHORIZING THE LEVY OF TAXES**
- 2. RESOLUTION NO. 2007-393 - CALLING A SPECIAL MAILED-BALLOT ELECTION**
- 3. RESOLUTION NO. 2007-394 - DECLARING ELECTION RESULTS**
- 4. BILL NO. B-89 - ORDINANCE NO 2007-85 - LEVYING A SPECIAL TAX FOR THE PROPERTY TAX YEAR 2007 AND FUTURE TAX YEARS**

President Perea announced the time had arrived to consider the issue, opened the hearing, and upon his question Assistant Public Works Director Mozier advised the staff report as submitted was complete and there was no new information to add.

Upon call, no one wished to be heard and President Perea closed the hearing.

On motion of Councilmember Westerlund, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled Resolution Nos. 2007-392, 2007-393 and 2007-394 hereby adopted, and the above entitled Bill No. B-89 adopted as Ordinance No. 2007-85, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes	:	None
Absent	:	None

RECESS - 10:15 A.M. - 10:23 A.M.

(10:20 A.M.) COUNCIL DETERMINATION OF CONSISTENCY WITH THE FYI AIRPORT AND ENVIRONS SPECIFIC PLAN AS RELATED TO RESIDENTIAL DEVELOPMENT LOCATED WITHIN THE ADOPTED 65 dbA (DECIBELS) COMMUNITY NOISE EQUIVALENT LEVEL (CNEL) ON PROPERTY LOCATED ON THE SOUTH SIDE OF E. HOLLAND BETWEEN N. CHESTNUT AND N. SIERRA VISTA AVENUE ALIGNMENT

Planner Rodriguez reviewed the issue, all as contained in the staff report as submitted. Councilmember Westerlund spoke briefly to the issue advising the property had been rural agricultural for many years, concurred there was no other feasible use other than residential, and made a motion to approve staff's recommendation.

On motion of Councilmember Westerlund, seconded by Councilmember Dages, duly carried, RESOLVED, the applicant's request that there are no feasible alternatives to the proposed development of one residential unit within the adopted 65 dBA (CNEL) of the FYI Plan hereby approved, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes	:	None
Absent	:	None

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2. GENERAL ADMINISTRATION:

(2-A) CONSIDERATION AND ACTION ON SOUTHEAST GROWTH AREA (SEGA) NEW AND AMENDED CONTRACTS #1. AUTHORIZE THE PLANNING & DEVELOPMENT DIRECTOR TO ENTER INTO A \$772,225 PROFESSIONAL SERVICES AGREEMENT WITH EDAW, INC., FOR PREPARATION OF THE ENVIRONMENTAL IMPACT REPORT FOR THE SEGA COMMUNITY/SPECIFIC PLAN

Assistant P&D Director Bergthold advised the contract cost was being changed to \$747,225 to reflect the elimination of legal review services, and reviewed the issue, all as contained in the staff report as submitted. Councilmember Dages spoke to the importance of the issue and in support of the contract and made a motion to approve staff's recommendation, which motion was seconded by Councilmember Westerlund.

Randy Schaffen of EDAW responded to questions and comments of Councilmember Westerlund relative to whether EDAW has worked with Calthorpe Associates on other projects, the scope of services and if greenhouse gas emissions and global climate change was a required chapter for any EIR, importance of looking at hydrology issues in east Fresno and impacts to the FYI airport, and growth inducement impacts.

On motion of Councilmember Dages, seconded by Councilmember Westerlund, duly carried, RESOLVED, the Planning & Development Director authorized to execute the above entitled agreement with EDAW Inc., in the amended amount of \$747,225, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes	:	None
Absent	:	None

#2. AUTHORIZE THE PLANNING & DEVELOPMENT DIRECTOR TO EXECUTE AMENDMENT NO. 1 IN THE AMOUNT OF \$401,375 TO THE PROFESSIONAL SERVICES AGREEMENT WITH CALTHORPE ASSOCIATES FOR ADDITIONAL SERVICES RELATED TO DEVELOPING THE CITY'S SEGA COMMUNITY/SPECIFIC PLAN

Assistant P&D Director Bergthold reviewed the issue, all as contained in the staff report as submitted, and advised of a change in numbers for a total contract cost of \$1,101,375. Councilmember Dages thanked staff and made a motion to approve.

On motion of Councilmember Dages, seconded by Councilmember Westerlund, duly carried, RESOLVED, the Planning & Development Director authorized to execute amendment No. 1 in the amount of \$401,375 to the above entitled agreement with Calthorpe Associates, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes : None
Absent : None

(2-B) APPROVE AMENDMENT NO. 1 (SHORT-TERM LOAN) NOT TO EXCEED \$975,000 TO THE CITY HOME AGREEMENT WITH OPS VILLAS LP FOR DEVELOPMENT OF THE OAK PARK SENIOR VILLAS AT WILLOW AND JENSEN AVENUES, AND AUTHORIZE THE PLANNING & DEVELOPMENT DIRECTOR TO EXECUTE THE AMENDMENT

HCD Manager Sigala reviewed the issue, all as contained in the staff report as submitted, displaying photos showing the on-going progress of the project, and responded to questions and of Councilmember Calhoun relative to the loan, consequence if OPS does not receive an award in Round B, if staff was supportive of this, and if this was a good use of HOME funds. Councilmember Dages concurred the financing was confusing but stated there was no doubt this was a good project and a good use of taxpayer money and made a motion to approve staff's recommendation, which motion was seconded by President Perea.

Mr. Sigala and Ms. Comstock of Ashwood Construction responded to questions and/or concerns of Councilmembers Westerlund and Calhoun relative to why funds were not received in the first round, total project cost, funding sources, AHP program financing/numbers, residual receipts/profit made (if any)/payback probability, perception that the project does not fit program criteria, and concern with the big risk taken the first time and now back-filling the project.

On motion of Councilmember Dages, seconded by President Perea, duly carried, **RESOLVED**, execution of Amendment No. 1 in an amount not to exceed \$975,000 to HOME Agreement with OPS VILLAS LP hereby approved, and the Planning & Development Director authorized to execute the Amendment, subject to City Attorney approval as to form, by the following vote:

Ayes : Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes : Calhoun
Absent : None

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(10:45 A.M.#1) CONSIDER REZONE APPLICATION NO. R-07-55 AND ENVIRONMENTAL FINDINGS FILED BY THE CITY OF FRESNO, NORTH SIDE OF E. CLINTON BETWEEN N. LOCAN AND N. TEMPERANCE AVENUES

1. CONSIDER AND ADOPT E.A. NO. R-07-55, DETERMINATION OF INITIAL STUDY TO FILE A FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR

2. BILL NO. B-90 - ORDINANCE NO. 2007-86 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AE-20 TO R-A/UGM

President Perea announced the time had arrived to consider the issue and opened the hearing.

Planner Braun gave a PowerPoint presentation on the issue, all as contained in the staff report as submitted, and recommended approval with the condition that the zoning not become effective until the city approves a transitional overlay district or enters into a side agreement with the property owners to maintain their rural residential lifestyle.

Speaking to the issue were: Applicant John Bonnadelle, 7030 N. Fruit, who noted this matter was related to the following item and spoke to annexation of the eight properties, their work with neighbors to maintain a rural lifestyle, the work in progress on blanket zoning, and the need to annex to get the final map going; and Paul Humphrey, 7402 E. Clinton, who stated a few details had not been worked out on the overlay and explained.

Upon call, no one else wished to be heard and President Perea closed the public hearing.

Councilmember Westerlund expanded further on the history and staff's on-going work on rural lifestyle agreements **(4 - 0)** and an overlay district, and noted the condition of approval was clearly stated on Page 4 of the staff report and made a motion to approve.

On motion of Councilmember Westerlund, seconded by Councilmember Dages, duly carried, **RESOLVED**, the subject E.A. hereby adopted and the above entitled Bill No. B-90 adopted as Ordinance No. 2007-86, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes : None
Absent : None

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(10:45 A.M. #2) CONSIDER THE PROPOSED SHIELDS-LOCAN NO. 3 REORGANIZATION FOR DETACHMENT OF TERRITORY FROM THE FRESNO COUNTY FIRE PROTECTION DISTRICT AND KINGS RIVER CONSERVATION DISTRICT AND ANNEXATION OF SAME TO THE CITY OF FRESNO

1. CONSIDER AND ADOPT E.A. NOS. T-5592/R-05-561/C-05-187, T-5341/R-04-44, AND R-07-55, THAT THE PROJECT PROPOSAL CONFORMS TO THE PROVISIONS OF THE GENERAL PLAN MEIR

2. RESOLUTION NO. 2007-395 - APPLYING TO LAFCO IN THE MATTER OF THE PROPOSED SHIELDS-LOCAN NO. 3 REORGANIZATION

President Perea announced the time had arrived to consider the issue, opened the hearing, and upon his question Planner Braun advised the staff report as submitted was complete and there was no new information to add.

Upon call, no one wished to be heard and President Perea closed the public hearing.

Councilmember Westerlund noted this was a follow-up to the previous item and incorporated the testimony herein, and made a motion to approve staff's recommendation.

On motion of Councilmember Westerlund, seconded by Councilmember Dages, duly carried, RESOLVED, the subject E.A.s and the above entitled Resolution No. 2007-395 hereby adopted, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes : None
Absent : None

- - - -

(10:50 A.M.) HEARING ON REZONE APPLICATION NOS. R-07-19, R-07-20, R-07-21, R-07-22 AND ENVIRONMENTAL FINDINGS, FILED BY THE CITY OF FRESNO, SOUTH SIDE OF W. NEILSEN BETWEEN S. WEST AND S. MARKS AVENUES

1. CONSIDER AND ADOPT E.A. NOS. R-07-19, -20, -21, -22, DETERMINATION OF INITIAL STUDY TO FILE A FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR

2. BILL NO. B-91 - ORDINANCE NO. 2007-87 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AE-5/UGM AND AE-20/UGM TO M-1/UGM AND M-1/UGM/cz

3. BILL NO. B-92 - ORDINANCE NO. 2007-88 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AE-5/UGM AND AE-20/UGM TO M-1/UGM AND M-1/UGM/cz

4. BILL NO. B-93 - ORDINANCE NO. 2007-89 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AE-5/UGM AND AE-20/UGM TO M-1/UGM AND M-1/UGM/cz

5. BILL NO. B-94 - ORDINANCE NO. 2007-90 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AE-5/UGM AND AE-20/UGM TO M-1/UGM AND M-1/UGM/cz

President Perea announced the time had arrived to consider the issue, opened the hearing, and upon his question Planner Braun advised the staff report as submitted was complete and there was no new information to add.

Speaking to concerns with the light manufacturing zoning and/or lack of Council representation were: Diane Bennett Smith, and Brunette Harris, HEAT of Southwest Fresno.

Upon call, no one else wished to be heard and President Perea closed the public hearing.

Councilmember Sterling noted this was in the Roeding Business Park area and commended staff for getting this together after such a long period of time and made a motion to approve staff's recommendation. Councilmember Westerlund seconded the motion, thanked staff on this pro-active annexation program, and added this was consistent with the 2025 general plan.

On motion of Councilmember Sterling, seconded by Councilmember Westerlund, duly carried, RESOLVED, the subject E.A.s adopted and the above entitled Bill Nos. B-91, B-92, B-93 and B-94 adopted as Ordinance Nos. 2007-87, 2007-88, 2007-89 and 2007-90, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes : None
Absent : None

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(11:00 A.M.) RESOLUTION NO. 2007-396 - CONSENTING TO SALE BY GRANITE PARK KIDS' FOUNDATION OF APPROXIMATELY 10 ACRES OF THE GRANITE PARK SPORTS COMPLEX AND AUTHORIZING EXECUTION OF DOCUMENTS

Interim City Controller Bradley reviewed the issue, all as contained in the staff report as submitted.

Councilmember Westerlund thanked staff and developer Milt Barbis on this transaction and on the progress made at Granite Park to date; upon his request Mr. Barbis spoke to the upcoming theme park -- Forest at Granite Park -- and future tenants; and Mr. Barbis responded to questions of Councilmembers Westerlund, Calhoun and Xiong relative to the property the Foundation will lease to Mr. Young, lease term/transaction details, the soccer fields, request that Council receive resolutions from the Foundation allowing for the sale of the property, if use of the soccer fields for something else will not be a problem for the community, and if issues were adequately explained to the adult soccer leagues.

On motion of Councilmember Westerlund, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled Resolution No. 2007-396 hereby adopted, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes : None
Absent : None

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(2-C) AUTHORIZE ENTRY INTO A HOME PROGRAM AGREEMENT IN THE AMOUNT OF \$370,000 WITH REZA ASSEMI/NOMINEE SPECIAL PURPOSE ENTITY, FOR A MIXED-INCOME SINGLE-FAMILY HOUSING DEVELOPMENT ON N. VAN NESS AVENUE, INCLUDING SALE OF CITY-OWNED PROPERTY

HCD Manager Sigala reviewed the issue, all as contained in the staff report as submitted, and recommended approval stating this was a great project. Developer Reza Assemi responded briefly to questions of Councilmember Sterling relative to the project's time line and how it will tie into the Fulton Plaza project, whereupon Councilmember Sterling stated this was a great project and made a motion to approve staff's recommendation.

On motion of Councilmember Sterling, seconded by Councilmember Westerlund, duly carried, RESOLVED, entry into a \$370,000 HOME Program Agreement with Reza Assemi for a mixed-income single-family housing development at 340 North Van Ness Avenue hereby authorized, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes : None
Absent : None

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(2-D) APPROVE PURCHASE OF A SINGLE-FAMILY HOME LOCATED AT 3745 E. EL MONTE WAY UTILIZING \$220,000 IN HOME PROGRAM FUNDS FOR THE VENTURA AND SEVENTH PROJECT

HCD Manager Sigala reviewed the issue, all as contained in the staff report as submitted, and stated this property purchase will be a great compliment to the Ventura/Seventh Project.

Councilmember Dages made a motion to approve staff's recommendation and spoke briefly in support of the issue and added this was a blighted area and he looked forward to seeing what the developer brings back. Councilmember Westerlund commended the City and Redevelopment Agency on their collaboration and the tremendous projects they are bringing forth.

On motion of Councilmember Dages, seconded by Councilmember Westerlund, duly carried, RESOLVED, the purchase of the parcel located at 3745 E. El Monte Way utilizing \$220,000 in HOME Investment Partnerships (HOME) Program funds hereby approved, and the Planning & Development Director authorized to execute the City Attorney-approved Purchase and Sale Agreement, already signed by the sellers, and all other necessary escrow documents related to the property purchase, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes	:	None
Absent	:	None

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(2-E) CONDITIONAL APPROVAL OF HOME INVESTMENT PARTNERSHIPS PROGRAM LOAN FUNDS IN THE AMOUNT OF \$2 MILLION TO BASTIAN PARTNERS, LLC FOR THE BASTIAN COURT AFFORDABLE MULTI-FAMILY DEVELOPMENT

HCD Manager Sigala reviewed the issue, all as contained in the staff report as submitted and displaying project renderings to illustrate, added this was a significant project near The Met, and along with Project Manager Cazares, City Attorney Sanchez and Pastor Jim Franklin responded to questions of Councilmember Sterling relative to the demolition application, meaning of "conditional approval", what will happen to the approved funds if CEQA has a concern, if a final agreement was needed before the project can move forth, how this will affect the HOME budget, if this will tie up other projects, and how this will impact Cornerstone's financial problems/struggles.

Councilmember Calhoun referenced earlier item 2-B and acknowledging this was conceptual stated he was not going to support something that the city will have to keep "paying and paying and paying for" and added he would be looking closely at the underlying funding. Councilmember Westerlund presented questions and comments relative to historic preservation, age of the building to be demolished, if a historical determination had been made, **(5 - 0)** need to look more at the historic preservation code, need to do more than demolish buildings if development is wanted downtown, and how parking will be addressed, with Mr. Sigala and Ms. Cazares responding throughout. Acting President Xiong stated he concurred with Councilmembers Sterling and Calhoun and he, too, would be closely watching how this development, and others, proceed.

On motion of Councilmember Sterling, seconded by Councilmember Dages, duly carried, RESOLVED, a commitment of HOME Program funds in the amount of \$2 million to Bastian Partners, LLC for construction of the multi-family development conditionally approved, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes	:	None
Absent	:	None

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LUNCH RECESS - 12:00 NOON - 2:00 P.M.

(2-G) APPROVE PARATRANSIT (HANDY RIDE) PROGRAM IMPROVEMENTS BY APPROVING A RESTATED AND SUPERSEDING ADDENDUM TO THE PARATRANSIT SERVICES CONTRACT WITH MV TRANSPORTATION

1. RESOLUTION NO. 2007-397 - 40TH AMENDMENT TO THE AAR APPROPRIATING \$896,300 TO FUND THE HANDY RIDE PROGRAM

Transportation Director Hamm reviewed the issue, all as contained in the staff report as submitted. Councilmember Sterling thanked all involved for working together for the citizens, presented questions and comments relative to vehicle mileage, time line for new vehicles, plan to not get back into the same position, and need to keep the line of communication open (with Mr. Hamm responding), and made a motion to approve staff's recommendation, which motion was seconded by Acting President Xiong. Councilmember Calhoun stated his issues were addressed as much as they could be, and stated a valuable lesson was learned in that process is important and spoke to the need to keep Council informed and involved. Upon question of Councilmember Duncan, Mr. Hamm stated this included the recently agreed to labor agreement with MV for a 20% pay increase.

On motion of Councilmember Sterling, seconded by Acting President Xiong, duly carried, RESOLVED, a restated and superseding addendum to the current contract between the City of Fresno and MV Transportation approved, and the above entitled Resolution No. 2007-397 hereby adopted, by the following vote:

Ayes : Calhoun, Dages, Sterling, Xiong, Perea
Noes : Duncan, Westerlund
Absent : None

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(2-H) APPROVE THE FIRST AMENDMENT TO THE AGREEMENT WITH ORANGE AVENUE DISPOSAL COMPANY, INC., (OAD) IN THE AMOUNT OF \$172,951 THROUGH SEPTEMBER 2007, A GO FORWARD FUEL SURCHARGE FORMULA FOR TRANSPORTATION OF THE CITY'S SOLID WASTE TO AMERICAN AVENUE LANDFILL TO REFLECT AN INCREASE IN THE PROCESSING FEE DUE TO FUEL COSTS

1. RESOLUTION NO. 2007-398 - 53RD AMENDMENT TO THE AAR APPROPRIATING \$173,000 FOR FUNDING THE AMENDMENT TO THE AGREEMENT

Public Utilities Director Ramirez gave an in-depth overview of the issue, all as contained in the staff report as submitted.

Councilmember Sterling commented on the issue and thanked staff and OAD for explaining issues to her, and upon her request Mr. Caglia of OAD thanked the city for their understanding and staff for working with them on this, and advised his company used their best business practices these past couple of years trying to keep up and again thanked staff. A motion and second was made to approve staff's recommendation. Councilmember Dages commended staff and OAD for doing all they could and expressed his hope that fuel costs do not keep rising.

On motion of Councilmember Sterling, seconded by Councilmember Dages, duly carried, RESOLVED, the first amendment to the agreement with Orange Avenue Disposal Company, Inc., as outlined above hereby approved, and the above entitled Resolution No. 2007-398 hereby adopted, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes : None
Absent : None

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(2-I) RESOLUTION NO. 2007-399 - INITIATING REZONING ON 48 PARCELS TOTALING APPROXIMATELY 169.13 ACRES GENERALLY LOCATED NORTH OF W. OLIVE BETWEEN N. GRANTLAND AND N. POLK AVENUES WITHIN THE CITY'S SPHERE OF INFLUENCE - MCKINLEY-HAYES NO. 3 REORGANIZATION

Planner Braun gave a PowerPoint presentation on the issue, all as contained in the staff report as submitted. Councilmember Sterling thanked staff stating this was the right thing to do and added she wanted to stay involved, and made a motion to approve.

On motion of Councilmember Sterling, seconded by President Perea, duly carried, RESOLVED, the above entitled Resolution No. 2007-399 hereby adopted, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Xiong, Perea
Noes : Westerlund
Absent : None

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RECESS - 2:27 P.M. - 2:30 P.M.

(2:30 P.M.) CONTINUED HEARING REGARDING FIRE AND LIFE SAFETY REGULATIONS

1. BILL NO. B -95 - REPEALING AND ADDING ARTICLE 10/CHAPTER 5 TO THE FRESNO MUNICIPAL CODE RELATING TO FIRE AND LIFE SAFETY REGULATIONS

2. CONSIDER AND ADOPT THE E.A. WHICH IS A DETERMINATION OF CATEGORICAL EXEMPTION
3. **RESOLUTION NO. 2007-400** - ADOPTING FINDINGS RELATED TO LOCAL CLIMATIC, GEOLOGICAL AND TOPOGRAPHICAL CONDITIONS THAT SUPPORT AMENDING THE CALIFORNIA FIRE AND BUILDING CODES

President Perea announced the time had arrived to consider the issue and opened the hearing.

Deputy Chief Donis advised of documents cited in the findings supporting the city's amendments to the California Fire Code, and entered into the record a statement from SJVAPCD Planning Director Scott Nestor regarding the impact of smoke on air quality in the Fresno metropolitan area. Assistant Public Utilities Director Martin spoke to the city's water situation and conservation efforts and stated he would be filing a written statement. Ms. Donis advised of seven documents/reports being submitted.

Mike Prandini, Building Industry Association, stated the BIA still believed the findings were insufficient, and stated the BIA did not receive any documents submitted to Council this date and added the staff report was not available on the city's web site as of yesterday.

Upon call, no one else wished to be heard and President Perea closed the hearing.

Councilmember Westerlund stated he wanted to incorporate his remarks from when this matter was before Council originally, with City Attorney Sanchez clarifying the fire sprinkler amendments were before Council previously, the state fire code amendments were at issue this date, and Councilmember Westerlund's previous statements along with testimony this date would all be part of the record in the event this is challenged. Councilmember Westerlund incorporated his previous remarks into the record, questioned what the status was of the appeal and if it would go the Fifth Circuit Court of Appeals (with Mr. Sanchez responding), and stated he felt this was wrongly decided by the trial court, he appreciated the other items incorporated into the record this date, he felt there were topographical differences as well as the development pattern that necessitated these changes, and made a motion to approve staff's recommendations, which motion was seconded by Councilmember Duncan.

Chief Bruegman, Mr. Sanchez and City Clerk Klisch responded briefly to questions of Councilmembers Dages and Xiong relative to why the BIA was not provided copies of documents and what documents were available for public review.

On motion of Councilmember Westerlund, seconded by Councilmember Duncan, duly carried, **RESOLVED**, the subject E.A. determination of categorical exemption considered and adopted, the above entitled Bill No. B- 95 introduced before the City Council and laid over, and the above entitled Resolution No. 2007-400 hereby adopted, by the following vote:

Ayes	:	Calhoun, Duncan, Sterling, Westerlund, Xiong, Perea
Nose	:	Dages
Absent	:	None

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RECESS - 2:45 P.M. - 2:50 P.M.

(2:50 P.M.) CONSIDER REZONE APPLICATION NO. R-07-04 AND ENVIRONMENTAL FINDINGS FILED BY DWAYNE SMITH, WEST SIDE OF N. MAPLE BETWEEN E. SHEPHERD AND E. PERRIN AVENUES

1. CONSIDER E.A. NO. R-07-04/T-5856/C-07-05, DETERMINATION OF INITIAL STUDY TO FILE A FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR

2. **BILL NO. B-96 - ORDINANCE NO. 2007-91** - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AE-20/UGM TO R-1/UGM

President Perea announced the time had arrived to consider the issue, opened the hearing, and upon his question staff advised the staff report as submitted was complete and there was no new information to add. Planning Manager Haro re-introduced Planner Salinas who he advised returned to city employment from UCLA with her masters degree **(6 - 0)**.

Upon call, no one wished to be heard and President Perea closed the public hearing.

On motion of Councilmember Duncan, seconded by Councilmember Sterling, duly carried, **RESOLVED**, the subject E.A. adopted and the above entitled Bill No. B-96 adopted as Ordinance No. 2007-91, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes : None
Absent : None

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ADJOURNMENT

There being no further business to bring before the City Council, the hour of 2:52 p.m. having arrived and hearing no objections, President Perea declared the meeting adjourned.

Approved on the ____ 11th _____ day of _____ December _____, 2007.

_____/s/_____
Henry T. Perea, Council President

ATTEST: _____/s/_____
Yolanda Salazar, Assistant City Clerk